

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com

DUPLICATE

ROBERT J. STERNE
EDWARD J. KESSLER
JORGE A. GOLDSTEIN
SAMUEL L. FOX***
DAVID K.S. CORNWELL
ROBERT W. ESMOND
TRACY-GENE G. DURKIN
MICHELE A. CIMBALA
MICHAEL B. RAY
ROBERT E. SOKOHL
ERIC K. STEFFE
MICHAEL O. LEE
STEVEN R. LUDWIG

JOHN M. COVERT
LINDA E. ALCORN
ROBERT C. MILLONIG
MICHAEL V. MESSINGER
JUDITH U. KIM
TIMOTHY J. SHEA, JR.
DONALD R. MCPHAIL
PATRICK E. GARRETT
JEFFREY T. HELVEY*
HEIDI L. KRAUS
JEFFREY R. KURIN
RAYMOND MILLIEN
PATRICK D. O'BRIEN

LAWRENCE B. BUGAISKY
CRYSTAL D. SAYLES
EDWARD W. YEE
ALBERT L. FERRO*
DONALD R. BANOWIT
PETER A. JACKMAN
MOLLY A. MCCALL
TERESA U. MEDLER
JEFFREY S. WEAVER
KRISTIN K. VIDOVICH
KENDRICK P. PATTERSON
DONALD J. FEATHERSTONE
GRANT E. REED

VINCENT L. CAPUANO
JOHN A. HARROUN*
ALBERT J. FASULO II*
ELDORA ELLISON FLOYD*
W. RUSSELL SWINDELL
THOMAS C. FIALA
BRIAN J. DEL BUONO*
VIRGIL L. BEASTON*
RYAN J. STAMPER*
KAREN R. MARKOWICZ**
SUZANNE E. ZISKA**
ANDREA J. KAMAGE**
NANCY J. LEITH**

ELIZABETH J. HAANES**
MARK P. TERRY**
JOSEPH M. CONRAD, III**
DOUGLAS M. WILSON**
REGINALD D. LUCAS**
ANN E. SUMMERFIELD**
CYNTHIA M. BOUCHEZ**
HELENE C. CARLSON**
BRUCE E. CHALKER**
DUSTIN T. JOHNSON**
MATTHEW J. DOWD**

*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

December 5, 2001

WRITER'S DIRECT NUMBER:

(202) 371-2560

INTERNET ADDRESS:

RESMOND@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Continued Prosecution Patent Application
Appl. No. 09/227,742; Filed: January 8, 1999
For: **Method for Increasing Viability and Transformation
Efficiency of Bacteria During Storage at Low
Temperatures**

Inventors: Bloom *et al.*

Our Ref: 0942.4770003/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Fee Transmittal (PTO/SB/17) (*in duplicate*);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1) (*in duplicate*);
3. Amendment and Reply Under 37 C.F.R. § 1.111;
4. Second Supplemental Information Disclosure Statement (*in duplicate*);
5. PTO Form 1449 (1) page;
6. Copy of cited document as listed on Form PTO 1449 (AS24);



Commissioner for Patents

December 5, 2001

Page 2

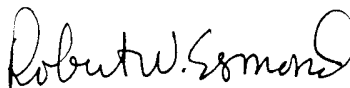
7. Our Check No. 33435 for \$1,400.00 to cover;
\$300.00 Fee for excess claims;
\$920.00 Three (3) month extension of time fees under 37 C.F.R. § 1.136;
\$180.00 Information Disclosure Statement Fee Under 37 C.F.R. § 1.17(p); and
8. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

RWE/FRC/dcw
Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<div style="text-align: center;"> FREE TRANSMITTAL for FY 2001 <i>Patent fees are subject to annual revision.</i></div>		Complete if Known	
		Application Number	09/227,742
		Filing Date	January 8, 1999
		First Named Inventor	Fredric R. BLOOM
		Examiner Name	Yucel, I.
Group Art Unit		3836	
Attorney Docket No.		09/22770003/RWE/IFRC	
TOTAL AMOUNT OF PAYMENT		(\$) 1,400.00	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)					
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C. <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		3. ADDITIONAL FEES Large Entity Small Entity					
2. <input checked="" type="checkbox"/> Payment Enclosed. <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* <small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small>							
FEE CALCULATION							
1. BASIC FILING FEE							
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid		
101	710	201	355	Utility filing fee			
106	320	206	160	Design filing fee			
107	490	207	245	Plant filing fee			
108	710	208	355	Reissue filing fee			
114	150	214	75	Provisional filing fee \$			
SUBTOTAL (1) (\$)							
2. EXTRA CLAIM FEES							
Total Claims 39 - 27** = 12 x 18 = 216.00							
Indep. Claims 5 - 4 = 1 X 84.00 = 84.00							
Multiple Dependent 0 = 0.00							
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid		
103	18	203	9	Claims in excess of 20			
102	80	202	40	Independent claims in excess of 3			
104	270	204	135	Multiple dependent claim			
108	90	209	40	**Reissue independent claims over original patent			
110	18	210	9	**Reissue claims in excess of 10 and over original patent			
SUBTOTAL (2) (\$)					300.00		
** or number previously paid, if greater. For Reissues, see above							
		3. ADDITIONAL FEES					
		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee paid
		105	130	205	65	Surcharge - late filing fee or oath	
		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
		139	130	139	130	Non-English specification	
		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
		112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
		115	110	215	55	Extension for reply within first month	
		116	390	216	195	Extension for reply within second month	
		117	920	217	445	Extension for reply within third month	920.00
		118	1,390	218	695	Extension for reply within fourth month	
		128	1,890	228	945	Extension for reply within fifth month	
		119	310	219	155	Notice of Appeal	
		120	310	220	155	Filing a brief in support of an appeal	
		121	270	221	135	Request for oral hearing	
		138	1,510	138	1,510	Petition to institute a public use proceeding	
		140	110	240	55	Petition to revive - unavoidable	
		141	1,240	241	620	Petition to revive - unintentional	
		142	1,240	242	620	Utility issue fee (or reissue)	
		143	440	243	220	Design issue fee	
		144	600	244	300	Plant issue fee	
		122	130	122	130	Petitions to the Commissioner	
		123	130	123	130	Petitions related to provisional applications	
		126	180	126	180	Submission of Information Disclosure Stmt	180.00
		581	40	481	40	Recording each patent assignment per property (times number of properties)	
		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
		179	710	279	355	Request for Continued Examination (RCE)	
		169	900	169	900	Request for expedited examination of a design application	
		Other fee (specify):					
		Other fee (specify):					
		*Reduced by Basic Filing Fee Paid					
		SUBTOTAL (3)				(\$) 1,110.00	

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Robert W. Esmond	Registration No. (Attorney, Agent)	32,893	Telephone	202-371-2600
Signature		Date	12-05-01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231